

Application No. 09/989,426
Art Unit 1774
Reply under 37 C.F.R. § 1.111
Response to Office Action of June 23, 2004

REMARKS

Claims 1-6 and 8-12 are pending in the present application. Applicants respectfully submit that all outstanding issues have been overcome as explained below.

Issues of Obviousness-Type Double Patenting

Claims 1-6 and 8-12 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,745,806 for the reasons stated in paragraph 8 of the Office Action. Applicants respectfully traverse.

Although patentable distinctions exist, Applicants respectfully refer the Examiner to the Terminal Disclaimer concurrently filed with this reply. Thus, this rejection is rendered moot and/or has been overcome. Accordingly, withdrawal of this rejection is respectfully requested, and Applicants request allowance of the pending claims.

Information Disclosure Statement of July 8, 2004

Applicants respectfully request a copy of the PTO-1449 form, attached to the Information Disclosure Statement ("IDS") filed July 8, 2004, having the Examiner's initials next to each cited reference.

Similarly, Applicants respectfully request a copy of the initialed PTO-1449 form from the Examiner for the IDS filed on June 30, 2003.

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Request for Rejoinder

Applicants respectfully rejoiner of claims 13-20 should the Examiner find that product claims 1-6 and 8-12 contain allowable subject matter. See *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995).

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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Attachment: Terminal Disclaimer